

By M. Gallegos

S.B. No. 301

A BILL TO BE ENTITLED

AN ACT

relating to complaints against peace officers and firefighters,
including the use of a polygraph examination in response to a
complaint against certain peace officers.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 614.021, Government Code, is amended to
read as follows:

Sec. 614.021. APPLICABILITY OF SUBCHAPTER; DEFINITION. (a)
This subchapter applies only to a complaint against:

(1) a law enforcement officer of the State of Texas,
including an officer of the Department of Public Safety or of the
Texas Alcoholic Beverage Commission;

(2) a fire fighter [~~who-is--not--covered--by--a--civil~~
~~service-statute~~]; or

(3) a police officer [~~who-is-not-covered-by-a-civil~~
~~service-statute~~].

(b) In this subchapter, "police officer" means a person who
is a peace officer under Article 2.12, Code of Criminal Procedure,
or other law, and who is employed by a political subdivision of the
state.

SECTION 2. Subchapter B, Chapter 614, Government Code, is
amended by adding Section 614.024 to read as follows:

Sec. 614.024. POLYGRAPH EXAMINATION. (a) A police officer
against whom a written complaint is filed as provided by this

1 subchapter may not be suspended, discharged, or subjected to any
2 form of employment discrimination by the police officer's employer
3 because the officer refused to take a polygraph examination in
4 response to the complaint.

5 (b) This section does not apply to a police officer to whom
6 Section 411.007 applies.

7 (c) Sections 143.124, 143.313, and 157.905, Local Government
8 Code, do not apply to a police officer under circumstances in which
9 this section applies.

10 SECTION 3. The importance of this legislation and the
11 crowded condition of the calendars in both houses create an
12 emergency and an imperative public necessity that the
13 constitutional rule requiring bills to be read on three several
14 days in each house be suspended, and this rule is hereby suspended,
15 and that this Act take effect and be in force from and after its
16 passage, and it is so enacted.

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AN ACT:

Relating to complaints against peace officers and firefighters, including the use of a polygraph examination in response to a complaint against certain peace officers.

JAN 24 1997

Filed with the Secretary of the Senate

JAN 28 1997

Read and referred to Committee on INTERGOVERNMENTAL RELATIONS

Reported favorably _____

Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

Ordered not printed

Laid before the Senate

Senate and Constitutional Rules to permit consideration suspended by: { unanimous consent
_____ yeas, _____ nays

Read second time, _____, and ordered engrossed by: { unanimous consent
a viva voce vote
_____ yeas, _____ nays

Senate and Constitutional 3 Day Rule suspended by a vote of _____ yeas, _____ nays.

Read third time, _____, and passed by: { A viva voce vote
_____ yeas, _____ nays

SECRETARY OF THE SENATE

OTHER ACTION:

_____ Engrossed

_____ Sent to House

Engrossing Clerk _____

_____ Received from the Senate

_____ Read first time and referred to Committee on _____

_____ Reported _____ favorably (as amended) (as substituted)

_____ Sent to Committee on (Calendars) (Local & Consent Calendars)

_____ Read second time (comm. subst.) (amended); passed to third reading (failed) by a (non-record vote) (record vote of _____ yeas, _____ nays, _____ present, not voting)

_____ Constitutional rule requiring bills to be read on three several days suspended (failed to suspend) by a vote of _____ yeas, _____ nays, _____ present, not voting.

_____ Read third time (amended); finally passed (failed to pass) by a (non-record vote) (record vote of _____ yeas, _____ nays, _____ present, not voting)

_____ Returned to Senate.

CHIEF CLERK OF THE HOUSE

_____ Returned from House without amendment.

_____ Returned from House with _____ amendments.

_____ Concurred in House amendments by a viva voce vote _____ yeas, _____ nays.

_____ Refused to concur in House amendments and requested the appointment of a Conference Committee to adjust the differences.

_____ Senate conferees instructed.

_____ Senate conferees appointed: _____, Chairman; _____
_____, _____, and _____

_____ House granted Senate request. House conferees appointed: _____, Chairman;
_____, _____, _____.

_____ Conference Committee Report read and filed with the Secretary of the Senate.

_____ Conference Committee Report adopted on the part of the House by: _____

{ a viva voce vote
_____ yeas, _____ nays

_____ Conference Committee Report adopted on the part of the Senate by:

{ a viva voce vote
_____ yeas, _____ nays

OTHER ACTION:

_____ Recommitted to Conference Committee

_____ Conferees discharged.

_____ Conference Committee Report failed of adoption by: _____

{ a viva voce vote
_____ yeas, _____ nays